PACHULSKI STANG ZIEHL & JONES LLP Jeffrey N. Pomerantz (CA Bar No. 143717) John A. Morris (NY Bar No. 266326) Gregory V. Demo (NY Bar No. 5371992) Hayley R. Winograd (NY Bar No. 5612569) 10100 Santa Monica Blvd., 13th Floor Los Angeles, CA 90067

Telephone: (310) 277-6910 Facsimile: (310) 201-0760

Email: jpomerantz@pszjlaw.com jmorris@pszjlaw.com gdemo@pszjlaw.com hwinograd@pszjlaw.com

-and-

HAYWARD PLLC
Melissa S. Hayward
Texas Bar No. 24044908
MHayward@HaywardFirm.com
Zachery Z. Annable
Texas Bar No. 24053075
ZAnnable@HaywardFirm.com
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231

Tel: (972) 755-7100 Fax: (972) 755-7110

Counsel for Highland Capital Management, L.P.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

	_	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §	
Plaintiff,	§ §	Adv. Proc. No. 21-03003-sgj
VS.	§ §	
JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§ § §	Case No. 3:21-cv-01010-E
Defendants.	§ §	
	§	

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §
Plaintiff,	<pre>\$</pre>
VS.	§ § § Case No. 3:21-cv-00881-X
HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.,	\$ Case No. 3:21-cv-00881-X \$ \$ \$ \$
Defendant.	8 § § 8
HIGHLAND CAPITAL MANAGEMENT, L.P.,	\$ \$ \$
Plaintiff,	§ Adv. Proc. No. 21-03005-sgj
VS.	§ §
NEXPOINT ADVISORS, L.P., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	\$ Case No. 3:21-cv-00880-C \$
Defendants.	§ §
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §
Plaintiff,	§ Adv. Proc. No. 21-03006-sgj
VS.	§ §
HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	\$ \$ \$ Case No. 3:21-cv-01378-N \$ \$ \$
Defendants.	§

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

Vs.

Plaintiff,

Vs.

Case No. 3:21-cv-01379-X

HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES

DONDERO, NANCY DONDERO, AND

THE DUGABOY INVESTMENT TRUST,

Defendants.

MOTION TO CONTINUE HEARING ON HIGHLAND CAPITAL MANAGEMENT, L.P.'S MOTION FOR PARTIAL SUMMARY JUDGMENT IN NOTES ACTIONS

COMES NOW Highland Capital Management, L.P. ("Highland" or the "Reorganized Debtor"), the reorganized debtor in the above-captioned chapter 11 case (the "Bankruptcy Case") and plaintiff in the above-referenced adversary proceedings (each, an "Adversary Proceeding" and collectively, the "Adversary Proceedings" or "Notes Actions"), filing this motion (the "Motion") requesting that the Court continue the hearing (the "Hearing") on Highland's Motion for Partial Summary Judgment in Notes Actions (the "Summary Judgment Motion") from Tuesday, March 8, 2022, at 9:30 a.m. (Central Time) to Wednesday, March 23, 2022, at 9:30 a.m. (Central Time). In support of the Motion, Highland respectfully states the following:

- 1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1409.
- 2. The Hearing on the Summary Judgment Motion was originally scheduled to take place on Tuesday, March 8, 2022, at 9:30 a.m. (Central Time). On December 22, 2021,

¹ Adv. Proc. No. 21-3003, Dkt. No. 132; Adv. Proc. No. 21-3004, Dkt. No. 91; Adv. Proc. No. 21-3005, Dkt. No. 131; Adv. Proc. No. 21-3006, Dkt. No. 129; and Adv. Proc. No. 21-3007, Dkt. No. 124.

1

Highland provided notice of the Hearing in each of the Notes Actions.² Subsequently, the Fifth Circuit Court of Appeals gave notice that oral argument on the pending appeal of this Court's Order (i) Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief [Bankr. Dkt. No. 1943] would take place on March 8, 2022—the same date as the Hearing on the Summary Judgment Motion.

- 3. Because of the scheduling conflict, good cause exists to continue the Hearing. Accordingly, Highland respectfully requests that the Court continue the Hearing on the Summary Judgment Motion to Wednesday, March 23, 2022, at 9:30 a.m. (Central Time).
- 4. This Motion is made in good faith and not for the purposes of delay. Counsel for the defendants in the Notes Actions have confirmed that they are available for the continued Hearing on March 23, 2022.

WHEREFORE, Highland respectfully requests that the Court enter an order (i) granting the Motion, (ii) continuing the Hearing on the Summary Judgment Motion to March 23, 2022, at 9:30 a.m. (Central Time), and (iii) granting Highland such additional relief as is just and necessary.

2

² Adv. Proc. No. 21-3003, Dkt. No. 139; Adv. Proc. No. 21-3004, Dkt. No. 98; Adv. Proc. No. 21-3005, Dkt. No. 139; Adv. Proc. No. 21-3006, Dkt. No. 140; and Adv. Proc. No. 21-3007, Dkt. No. 131.

Dated: February 9, 2022. PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No.143717) (pro hac vice) John A. Morris (NY Bar No. 266326) (pro hac vice) Gregory V. Demo (NY Bar No. 5371992) (pro hac vice) Hayley R. Winograd (NY Bar No. 5612569) (pro hac vice)

10100 Santa Monica Blvd., 13th Floor

Los Angeles, CA 90067 Telephone: (310) 277-6910 Facsimile: (310) 201-0760

E-mail: jpomerantz@pszjlaw.com

jmorris@pszjlaw.com gdemo@pszjlaw.com hwinograd@pszjlaw.com

-and-

HAYWARD PLLC

/s/ Zachery Z. Annable

Melissa S. Hayward
Texas Bar No. 24044908
MHayward@HaywardFirm.com
Zachery Z. Annable
Texas Bar No. 24053075
ZAnnable@HaywardFirm.com
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231

Tel: (972) 755-7100 Fax: (972) 755-7110

Counsel for Highland Capital Management, L.P.